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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,676	08/02/2001	Dawn Marie Schwarzkopf	501295	6754

23626 7590 08/19/2002

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ROCKFORD, IL 61114-8018

EXAMINER

SUHOL, DMITRY

ART UNIT

PAPER NUMBER

3712

DATE MAILED: 08/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

S.M.

Office Action Summary

Application No.

09/920,676

Applicant(s)

SCHWARZKOPF, DAWN MARIE

Examiner

Dmitry Suhol

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The affidavit filed on 20 May 2002 under 37 CFR 1.131 is sufficient to overcome the advertisement in the Educational Resources, Fall 2000 catalog, page 26, Reading Readiness Keyboard Cover reference.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11, 13, 18, 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Onozawa (JP 10083732 A). Onozawa discloses all the elements of the claims including, a computer keyboard having a plurality of individual keys as required by claims 11 and 20 (figure 1), a portion of individual keys including a glyph of an upper-case letter and a glyph of an associated lower-case letter as required by claims 11, 18, 20 (figure 1), a glyph of an upper case letter and a lower-case letter are positioned in a diagonal relationship to one another as required by claim 13 (figure 1).

Claims 11, 13, 15, 18, 20 and 22-23 are rejected under 35 U.S.C. 102(a) as being anticipated by Evans. Evans discloses all the elements of the claims including, a computer keyboard having a plurality of individual keys as required by claims 11, 19-20, 22 (fig. 2), a portion of individual keys including a glyph of an upper-case letter and a glyph of an associated lower-case letter as required by claims 11, 18, 20 (fig. 2), a glyph of an upper case letter and a lower-case letter are positioned in a diagonal relationship to one another as required by claim 13 (fig. 2), a glyph of an upper-case letter positioned on keys and a glyph of a lower-case letter positioned on a layer that is overlaid on keys as required by claims 15, 19, 22-23 (fig. 2) where the upper-case letters are located under the layer that is overlaid on the keys as well as on a top surface of the layer.

Claims 11, 15-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Education Technology News, v11, n14, July 7, 1994 (here from referred to as ETN). ETN discloses providing a computer-related teaching apparatus containing all the elements of the claims including, a computer keyboard with a plurality of keys with stickers containing upper and lower case letters.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 8-11, 15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nopper in view of Evans. Nopper teaches a keyboard cover containing some of the elements of the claims including, a transparent upper surface and a keyboard overlay adapted to cover a whole of a keyboard as required by claims as required by claims 1 and 10 (col. 3, lines 26-29 and abs. lines 4-9 respectively), a plurality of key accommodating structures as required by claim 1 (fig.2).

Although Nopper discloses some of the elements of the claims, as stated above, the reference fails to teach, a portion of the upper surface of a key accommodating structures having a lower-case letter positioned thereon as required by claim 1, a lower-case letter positioned in a fourth quadrant as required by claim 2, a lower-case letter positioned in a second quadrant as required by claim 3, a lower-case letter positioned in a third quadrant as required by claim 4, lower-case letters are rendered in a first font style as required by claim 5, a first font style being D'Nealian as required by claim 6, a first font style being Zaner Bloser as required by claim 7, a lower case letter being positioned on an under surface of a transparent upper surface of an individual key-accommodating structure as required by claim 8, a transparent protective layer and a lower-case letter positioned between a protective layer and an upper surface as required by claim 9. However, Evans discloses keyboard cover which teaches a keyboard overlay having a plurality of individual key-accommodating structures (fig.2) with a portion of the upper surface of a key accommodating structures having a lower-

case letter positioned thereon (fig. 2), and lower-case letters are rendered in a first font style (fig. 2). Evans further teaches a keyboard cover comprised of a plurality of layers (considered to be a protective layer and an upper layer) with each layer marked with indicia different to indicia symbol on the underlying keyboard (page 3, lines 16-22) where it is considered "different indicia" encompasses a lower case symbol. Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, in view of the teachings of Evans, to manufacture the device of Nopper from a plurality of layers and lower-case indicia located between a protective layer and upper layer with a portion of the upper surface of a key accommodating structures having a lower-case letter positioned thereon for the purpose of providing a durable keyboard cover aiding young children in learning keyboard skills. It would have been further obvious to position a lower-case letter, printed in a D'Nealian or Zaner Bloser font style, in a second, third or fourth quadrant for the purpose of interest to the consumer. The positioning and the font style of the lower-case letters are an obvious choice of design in as much as the applicant discloses no advantage or critical need for them (see applicants specification page 14, paragraph 0051, lines 12-14).

Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Evans. Although Evans discloses most of the elements of the claims, the reference fails to teach a glyph of an upper-case letter and a glyph of a lower-case letter are positioned in a horizontal relationship to one another in a plane of keys as required by claim 12 and a glyph of an upper-case letter and a glyph of a lower-case letter are

positioned in a vertical relationship to one another in a plane of keys as required by claim 14. However, it would have been obvious to manufacture the device of Nichol with a glyph structure as stated above for the purpose of interest to the consumer. The positioning of the lower-case letters is an obvious choice of design in as much as the applicant discloses no advantage or critical need for them (page 11, paragraph 0044, lines 22-24).

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Education Technology News, v11, n14, July 7, 1994 (here from referred to as ETN). ETN discloses most of the elements of the claims, as stated above, but for applying transparent stickers having lower case letters displayed thereon. However it would have been obvious that a step of applying stickers to a keyboard surface would be used with the teaching device of ETN since the device would be useless without the application step. It would have been further obvious to construct the stickers of ETN as being transparent for the purpose of being able to see the underlying indicia/markings of the keys.

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

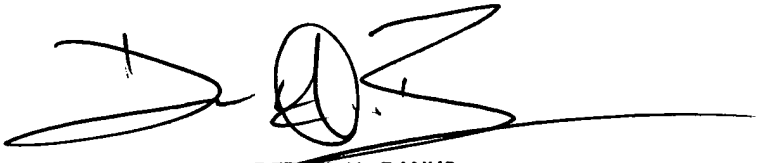
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ds
August 13, 2002



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700